IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1631 OF 2007

in

APPEAL (LODGING) NO. 1059 OF 2006

IN

SUIT NO. 1414 OF 1979

N.L. Mehta .. Appellant
(Orig. Plaintiff)

Vs.

New Era Fabrics Pvt.Ltd. & Ors. .. Respondents
(Orig. Defendants)

Mr. V.A.Thorat with V.B.Naik, Faizal Sayed i/b.
M.K.Ambalal & Co. for the appellant.
Mr. M.M.Vashi for respondents.

CORAM: D.K.DESHMUKH &
J.H.BHATIA,JJ.
DATE : 26th July, 2007.

P.C.

1. Assuming that there is sufficient cause shown for condonation of delay in filing the appeal, in our opinion, the Appeal itself is not maintainable because

it is an admitted position that in the appeal filed against the same decree by the respondents, the present appellant has filed cross objections.

The Appeal and the Motion are disposed of.

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(D.K.DESHMUKH,J.)

(J.H.BHATIA,J.)